

HERMELO BELGIRA LATOJA, PETITIONERS, VS. HONORABLE OFFICE OF THE OMBUDSMAN-MINDANAO, RESPONDENT.

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

On November October 29, 2013, the Court issued a Resolution stating that:

“Without necessarily giving due course to the petition, the Court hereby DIRECTS respondent to file Comment (not a motion to dismiss) thereon and to SHOW CAUSE why a Temporary Restraining Order [TRO]/Writ of Preliminary Injunction [WPI] should not be issued within ten (10) days from notice, to which the petitioner may file a reply within five (5) days from receipt of respondents' Comment.”[1]

This Court RESOLVES to NOTE the following:

On December 2, 2013, respondent, through the Office of the Solicitor General (OSG), filed a Motion for Extension[2] of 30 days or until December 31, 2013 to file comment.

On December 20, 2013, respondent, through the Office of the Solicitor General, filed its Comment[3].

Before the Court rules on the prayer for TRO, the Court first NOTES OSG's December 2, 2013 Motion for Extension to file Comment and GRANTS the same. This Court also NOTES the Comment filed by the OSG on December 20, 2013.

The Court now addresses the prayer for TRO.

Petitioners mainly alleges that -

- The very urgent issuance of a Writ of Preliminary Injunction is of extreme urgency, as the petitioner will suffer grave and irreparable injury if the dismissal order of respondent Ombudsman is fully implemented and, thus, petitioner will be forever deprived of his source of life and only means of livelihood.

xxx

xxx

xxx. “

The Court is constrained to deny the injunctive relief.

Under Section 5, Rule 58 of the 1997 Rules of Court, a TRO may be issued only if it appears from the facts shown by affidavits or by the verified application that great or irreparable injury would result to the applicant before the writ of preliminary injunction could be heard. In addition, Section 4(a) of Rule 58 of the Rules of Court is clear with regard to the procedure to be followed in the issuance of injunctive relief, i.e., a preliminary injunction or temporary restraining order may be granted only when the application in the action or proceeding is verified, and shows facts entitling the applicant to the relief demanded.

Nowhere in the petition have petitioners shown that great or irreparable injury would result to them before the prayer for injunctive relief could be heard. Petitioners have failed to demonstrate to this Court the extent of injury - and the irreparability of such injury - that they will

suffer should a TRO fail to issue.

ACCORDINGLY, the prayer for the issuance of a temporary restraining order is DENIED.

Without necessarily giving due course to the petition, the parties are DIRECTED to submit their respective memoranda in amplification of their respective positions within fifteen (15) days from receipt of notice. Failing which, the petition shall be deemed submitted for decision, with or without such memoranda.

SO ORDERED.

Borja, J., Chairperson and Badelles, JJ., concur.

[1] Rollo, p. 160.

[2] Id., p. 161.

[3] Rollo, p. 172.

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